



Missouri
Department of
Natural Resources

DAM AND RESERVOIR SAFETY COUNCIL MEETING
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF GEOLOGY AND LAND SURVEY MULTIPURPOSE ROOM, ROLLA,
MISSOURI

September 20, 2006

The meeting was called to order by Mr. Richard Frueh, Chairman.

Council members present were Gene Hites, Gerald Engemann, Ron Fox, David Hamilton and Thomas Myers. Members of the Water Resources Center (WRC) present were Jim Alexander, Tammy Theilen, Glenn Lloyd, Bob Clay, Kevin James, Paul Simon, Amy Crews and Ryan Mueller. Representing the Attorney General's Office was Don Willoh, Assistant Attorney General.

INTRODUCTION OF GUESTS

Mr. Alexander introduced Mr. Ryan Mueller to the council. He explained that Mr. Mueller was the new Director of the Water Resources Center and would be located in the Jefferson City Office.

MINUTES OF THE JUNE 21, 2006 COUNCIL MEETING

Mr. Frueh asked if anyone had any comments regarding the June 21, 2006 council meeting minutes. Mr. Fox made a motion to accept the minutes of the June 21, 2006 meeting as written. Mr. Myers seconded the motion and the motion passed. There was some discussion about the wording of the agricultural exemption that was denied at the last meeting. Mr. Alexander was concerned that the minutes would be interpreted to mean that if the owner would get his contract for raising paddlefish signed the council would issue the exemption. Mr. Fox stated that he made the motion to deny the request based on the application not having confirmed that the lake would be used primarily for agricultural purposes. He stated that he did not feel that the owner had proved in any way that the lake was being used for agricultural purposes. Mr. Willoh told the council that he did not think that the minutes as written were misleading or could be misconstrued as they are written.

ELECTION OF FY-07 OFFICERS

Mr. Frueh reported that the council needed to elect officers to serve for the upcoming fiscal year and asked for nominations for chairman. Mr. Myers nominated Richard Frueh for chairman. Mr. Engemann seconded the nomination and it passed. Mr. Frueh asked for nominations for Vice Chairman. Mr. Myers nominated Jeff Cawlfeld for vice-chairman. Mr. Hamilton seconded the nomination and it passed.

STATUS OF PERMITS

The council was updated on the number of permits that the program has issued since the last meeting, the new dams that are currently under construction, and where the program stands with regard to bringing the total number of regulated dams into compliance.

COUNCIL NOTICE OF VIOLATION

ROBERTS DAM – Pulaski County - The council was given a brief history of the dam and the problems associated with it. The owner has been notified that his dam is not in compliance with the Dam Safety Law. To date, the owner has been unresponsive to any form of communication that we have attempted to have with him.

After some discussion, Mr. Fox made a motion to send the owner a Council Notice of Violation asking that the owner to either bring the dam into compliance with the Dam Safety Law or have the dam breached and the lake drained by December 1, 2006. Mr. Myers seconded the motion. After additional discussion the motion passed.

ANICH DAM – Franklin County – The council was given a brief history of the dam and the problems associated with it. The owner's engineer needs to submit a signed and sealed certification that the work was completed in accordance with the approved plans and specifications to complete the safety permit application process. After some discussion, Mr. Myers made a motion asking the staff to send the owner a Notice of Violation asking for the required information. Mr. Engemann seconded the motion and after additional discussion, the motion passed.

AGRICULTURAL EXEMPTION REVIEW STATUS

Mr. Alexander told the council that a letter had been sent to each owner of agriculturally exempt dams. There have been positive reactions from the people who have received their letters with responses having been received from approximately half of them. The staff plans to begin making site visits to these dams in October.

FY-2007 BUDGET

Mr. Alexander updated the council on the status of the FY-07 budget and discussed proposed dam safety legislation at both the state and national levels.

OTHER BUSINESS & PUBLIC INPUT

There was some discussion about the model law that is developed by the Association of State Dam Safety Officials.

DATE AND LOCATION OF NEXT COUNCIL MEETING

The next meeting of the Dam and Reservoir Safety Council will be December 13, 2006 at 10:00 a.m. at the Department of Natural Resources multi-purpose room in Rolla, Missouri.

VOTE TO GO INTO CLOSED SESSION AT THE BEGINNING OF THE NEXT MEETING

Mr. Fox made a motion that the Dam and Reservoir Safety Council meet in closed session at 10:00 a.m. on December 13, 2006 at the next regular council meeting for the purpose of discussing personnel actions, legal actions, causes of action, or litigation, confidential and privileged matters with the council's attorney, testing and examination, personnel records or applications or records which are otherwise protected from disclosure by law as provided for in Section 610.021, RSMo.

Mr. Myers seconded the motion.

Roll Call vote: Gene Hites, yes; Gerald Engemann, yes; Ron Fox, yes; David Hamilton, yes and Thomas Myers, yes. Motion carried to move into closed session at the meeting on December 13, 2006.

MEETING ADJOURNED

Mr. Myers made a motion to adjourn the meeting. Mr. Hamilton seconded the motion and it passed.

Respectfully Submitted,

Tammy Theilen